

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Vanaparthi Edukondalu S/o Subba Rao, Junior Plant Attendant, O/o A.P.Power Generation Corpn., Ltd., KTPS., Paloncha, Khammam District filed against proceedings dated 21.7.2004 of the District Collector, Khammam – Appeal rejected – Orders – Issued.

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No.76

Dated: 27 -6-2009

Read the following:

1. Proceedings of the District Collector, Khammam Rc.No.D3-7100/98, Dated 21.7.2004.
2. Appeal Petition filed by Sri Vanaparthi Edukondalu S/o Subba Rao, occ: Junior Plant Attendant, O/o A.P.Power Generation Corpn., Ltd., KTPS., Paloncha, Khammam District dated 3.8.2004.
3. Govt.Memo NO. 7908/CV.2/2004-1, dated 4.8.2004.
4. Letter from the District Collector, Khammam Rc.No. D3-0869/05, dated 04.05.05.
5. Govt.Memo No. 7908/CV.2/2004-10, dated 01.09.2007.

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ORDER:

Sri Vanaparthi Edukondalu S/o Subba Rao, has filed appeal petition before Govt. against Proceedings dated 21.7.2004 of the District Collector, Khammam, for cancellation of his ST Valmiki Caste Ceritificate and submitted the following grounds in his appeal petition:-

1. The appellant belonged to Valmiki Caste by birth which is Scheduled Tribe. The parents of the appellant and his brother and sisters all of belong to Valmiki community. The brother of the appellant and his fore fathers were eaking out their livelihood by doing Doll shows in the agency areas of Visakhapatnam and subsequently in Khammam district. The appellant studied in Moddulagudem and later at Sathupally and Kukkonuru. At the time of admission in school the caste of appellant was recorded as Valmiki ST Caste and also in the employment card of the appellant from I.T.D.A., Bhadrachalam, the caste of appellant stands recorded as Valmiki Community. The MRO, Gundala after due enquiry and verification of the caste of the appellant issued caste certificate to the appellant in R.dis.585/91, dated 1.10.91 declaring that the appellant belongs to Valmiki Caste.
2. The appellant was appointed as SWG/SOR in the service of the A.P.Power Generation Corpn.Ltd., on 9.7.1999,issued by S.E., ADM., KTPS.,Paloncha. Further the appellant posted as Junior Plant Attendant, and allotted to KTPS at Paloncha by the orders S.E. (O&M) KTPS , on 20.10.2003.
3. The appellant stated that a false complaint petition was filed by persons against him enemically disposed towards his by representation dated 19.8.98 alleging that his Valmiki Caste Certificate was not genuine. Based on such false complaint the Director, TCR &TI, Hyderabad ceased enquiries conducted behind the back of the appellant it was reported that the caste of appellant recorded in his School records is not Valmiki. Based on the said report of TCR &TI, the DLSC issued a show cause notice to the appellant as to why his ST caste certificate need not be cancelled. The appellant was advised to approach the High Court of A.P. questioning the validity of said show cause notice by filing W.P. No. 21967 of 2002. The Hon'ble High Court by order dated 1.11.2002 disposed of the W.P. with a direction that the appellant to submit explanation to the show cause notice,

thereafter the appellant submitted explanation and appeared before the DLSC. along with his Advocate. The appellant submitted caste certificate of his younger brother mentioned as Valmiki and also his sister as belonged to Valmiki Caste. The School records pertaining to appellant and also the certificate issued by Panchayat Secretary were filed before the DLSC. The Collector, Khammam by order dated 21.7.2004 erroneously held that the appellant produced false Valmiki (ST) certificate and cancelled it declaring that the appellant does not belong to Valmiki Caste. The Caste Certificate issued by MRO, Gundala dated 1.9.91 and also his brother caste certificate i.e. V.Krishna and further certificate issued by the Panchayat Secretary, Ravanapalli, Koyur (M), Visakhapatnam, conclusively establish that father of the appellant belong to Valmiki Caste and that the family migrated to Khammam District. The observation of the Collector, the certificate issued by Panchayat Secretary appeared to be false, as no notice or enquiry made in this case.

4. The Collector, has cancelled the caste certificate solely relied upon the report of DLSC. and the said authority has not applied independent mind.
5. The Collector, passed orders based on the report of DLSC. and the Director, TCR&TI., Hyderabad which is illegal and contrary to the provisions of the Act.
6. Under Section 5 of Act 16 of 1993 the Collector has to enquire the genuineness of the caste certificate and come to a conclusion.
7. The District Collector's proceedings canceling the caste certificate of the appellant is illegal, against the provisions of the Act and Rules.

2). The Govt. in Memo 3<sup>rd</sup> read above, have requested the District Collector, Khammam, to furnish para wise remarks and connected records on the appeal petition filed by Sri Vanaparthy Edukondalu. In reference 4<sup>th</sup> read above, the District Collector, Khammam has furnished the connected records and following remarks:

- (1) The appellant is the son of Subba Rao. The father of the appellant and his fore fathers eaking out their livelihood by doing doll shows in the agencies area of Vishakapatnam and subsequently in Khammam District. The admission and withdrawals of UPS Maddulagudem (V), Dammmapeta (M) of Khammam district was also verified where Vanaparthy Edukondalu studied during the year 1969. His caste is recorded as Bommalata in the admission register. As per statement of Vanaparthy Subba Rao father of Edukondalu, his son Edukondalu studied 1<sup>st</sup> to 5<sup>th</sup> class in Govt. School, Puchirala (V) of Kukunoor (M). He also produced record sheet said to be issued by the Head Master P.S.Puchirala wherein his caste was recorded as Valmiki. The Head Master of the School was contacted for verification of the record sheet produced by Edukondalu and it was informed that the records pertaining to the school prior to 1950 are not available in the school since the record was damaged during the floods. Therefore it is clear from the above, that the record sheet produced by Edukondalu is bogus one and as per the enquiry he studied 1<sup>st</sup> class in UPS Moddulagudem (V) during 1969. Therefore the record sheet produced by appellant can not be taken into consideration. The individual obtained false caste certificate from the MRO., Gundala by producing the false information.
- (2) The appellant was appointed as Sweeper/Gardner/Sanitary during June 1999 in the A.P.Power Generation Corp.Ltd., Palvoncha while submitting caste certificate issued by MRO. Gundala and Residential/Nativity certificate issued by the MRO., Sattupally.

(3) The complaint petition received alleging that the individual Valmiki ST Caste Certificate while producing false information and requested to conduct detailed enquiry. The Joint Director, TCR&TI, Regional Centre, Bhadrachalam, has submitted report stating that the caste of the appellant is stated as Bommalatavallu (Bondillu). Further the Director, TCR&TI., has conducted enquiry and reported that the appellant belongs to Bommalata Caste. Bondhili and Boyavalmiki castes are not declared as ST at any point of time in the State of A.P. Basing on the facts of the report of TCR &TI., Hyderabad, the DLSC. resolved on 29.7.2002 final show cause notice was issued to the appellant on 3.10.2002 directing to show the reasons as to why the ST Valmiki caste certificate possessed by him shall not be cancelled besides initiating criminal action as per rules framed in Act 16 of 1993 and Rules issued in 1997. The appellant instead of submitting explanation filed W.P. 21967 of 2002 before APHC., Hyderabad. The Hon'ble Court dismissed the said W.P. directed the appellant to submit explanation to the show cause notice, if not already submitted, within a period of two weeks from the date of receipt of a copy of this order, and disposed the said W.P. The appellant filed his explanation stating that the Director, TCR&TI., Hyderabad has not properly conducted enquiry about social status and it is a unilateral enquiry without any basis or justification, that the Director, TCR&TI alleged that Sri V.Subba Rao belongs to Valmiki Caste, and doing doll shows in agency areas of Khammam District and maintaining children including himself. He was born at Gundala (M) earst while Yellandhu Taluka, Khammam, and studied 1<sup>st</sup> class in Primary School, Moddulagudem. Due to illiteracy and ignorance the parents could not seen the caste at the time of admission in the School. Late studied from 2<sup>nd</sup> class to 5<sup>th</sup> at U.P.Govt. School puchirala (V) of Velaipadu (M), wherein his caste was entered in the admission register as Valmiki during the year 1979. Therefore he requested to drop further proceedings in furtherance of final show cause notice issued to him and without initiating any type of action against him and also confirm his social status as Valmiki ST in the interest of Justice. The appellant attended before the DLSC. held on 21.6.2004 along with his council and produced the documents. The appellant has informed that he was born in Maredumalli (V) of Rampachodavaram agency, adjoining Koyyuru Mandal whereas in his written explanation dated 5.11.2002 it was mentioned that he was born in Gundala of Yellandu . Thus there is a discrepancy in his own statement. The DSCL. noticed that it is clear that the appellant has not produced convincing evidence to prove his claim as ST and resolved to recommend for cancellation of the caste certificate held by the appellant to the competent authority. The Collector issued orders for cancellation of the Valmiki ST certificate held by the appellant as per the Act.

3) The case was posted for personal hearing on 5.8.2006 and the same was adjourned and further posted for personal hearing on 29.9.2006. The counsel for the appellant attended and requested for adjournment. Further the case was posted for personal hearing on 28.10.2006 which was postponed to 31.10.2006. The appellant along with his counsel were attended and argued the case and submitted material papers. Further the case posted for hearings on 14.6.2007, 16.8.2007, 31.8.2007 and finally the case was posted on 17.9.2007. On careful examination of the contentions of the appellant in the appeal petition dated 3.8.2004, written arguments of the counsel for the appellant dated 28.10.2006, para-wise remarks of the District Collector, Khammam, findings of DLSC., Enquiry report and other material on file, it is found that the contentions of the appellant and his counsel that the enquiry conducted by the Director, TCR &TI is illegal; that the DLSC. and District Collector, have not considered the evidences and explanations submitted by the appellant; that his father and fore-fathers hail from Visakhapatnam District and belong to Valmiki ST; that the

appellant's caste was recorded as Valmiki in school records and that no person was examined in the enquiry in respect of the complaint; are not tenable for the following reasons:

- 1) The enquiry conducted by the Director, TCR&TI is not illegal as it was done on the request of the District Collector, and based on the information furnished by the father of the appellant to substantiate his son's ST status claim.
- 2) The DLSC. and the District Collector, Khammam have considered the contents of explanation and evidences submitted by the appellant and after giving an opportunity to the appellant only, they have taken the decision
- 3) As the appellant furnished a certificate from the said to be Panchayat Secretary stating that the grand-father and father of the appellant and the appellant and their family members were the residents of Thotapalli (V) under Ravanapalli Panchayat, Koyyuru (M), Visakhapatnam have migrated to Sathupalli (V) Khammam district for livelihood about 35 years back and they belong to Valmiki (ST) community. This certificate is dated 19.6.2004. There is no mention of any basis for this certificate. Without evidence or basis, how a Panchayat Secretary can certify the event occurred 35 years back. Further, the Panchayat Secretary is not authorized to issue such certificates stating the ST status of the appellant and his father/forefathers, that too without quoting any evidence. Further, the appellant stated in his explanation that he was born at Gundala in his explanation to District Collector dated 5.11.2004 and in his statement before DLSC. on 21.6.2004; he stated that he was born at Mardumilli. These statements clearly show his deceitful nature
- 4) Mention of the appellants caste as 'Valmiki' in the record sheet produced by him also cannot be taken as a conclusive proof for his S.T. status because Valmiki caste is also denotes, when it is not specifically mentioned as S.T. Valmiki Boya Caste which comes under B.C. - A. Further, when the caste of relatives of the appellant (as mentioned in the enquiry report of The Director, TCR&TI) in their school records as Bodili, Boya Valmiki, Bommalata, How can the caste of the appellant or his brother becomes Valmiki Scheduled Tribe.)
- 4) Government therefore, in exercise of the powers conferred under Section 7 of the Act 16 of 1993, and Rules made there under, hereby reject the appeal petition filed by Sri Vanaparthy Edukondalu S/o V.Subba Rao, Khammam District upholding the Proceedings of the District Collector, Khammam issued in Proceedings No. Rc.No. D3-7100/98, dated 21.7.2004. The stay granted by the Govt. in reference 3<sup>rd</sup> read above is hereby vacated.
- 5) The records received from the District Collector, Khammam vide reference 4<sup>th</sup> read above are herewith returned to him and he is requested to acknowledge the receipt of the same immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,  
PRINCIPAL SECRETARY TO GOVERNMENT

TO

The District Collector, Khammam District (WE)  
original record filed bearing No. R.Dis.D3- 7100/98  
containing pages 370 CF.

Sri Vanaparthy Edukondalu,S/o Subba Rao,Occ: Junior Plant Attendant,  
O/o Andhra Pradesh Power Generation Corpn. Ltd.,  
K.T.P.S.,Paloncha, Khammam District.

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Sri J.Seshagiri Rao, Advocate,  
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Copy to:  
The PS to M(TW & RIAD) / PS to Prl.Secretary(TW)  
The Chief Engineer (O&M), K.T.P.S., Palvoncha,  
Khammam District.  
The Director of Tribal Welfare, Hyderabad.  
Sf/SC.

//Forwarded::By Order//

SECTION OFFICER.